

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

WELCH SYSTEMS, INC.,

Plaintiff,

vs.

JAMES TUCKER, *individually and doing business as Nationwide Processing*, and RUSTY BAKER, *individually and doing business as Nationwide Processing*,

Defendants.

Case No. 10-cv-589-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Welch Systems, Inc.'s ("Welch") Notice of Voluntary Dismissal (Doc. 27), which seeks to dismiss all claims against Defendants without prejudice.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff has an absolute right to dismiss an action against an adverse party at any time before said party serves either an answer or a motion for summary judgment, whichever first occurs.

Here, Defendants have yet to file either an answer or a motion for summary judgment. Accordingly, the Court acknowledges that this matter is at an end, thereby **DENYING as moot** Defendants' Motion to Dismiss or Transfer for Improper Venue (Doc. 6). The Court **DIRECTS** the Clerk of Court to close the case file.

IT IS SO ORDERED
DATED: December 16, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE